

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 22-46122

SHAKEES MON'E HAMILTON,

Chapter 7

Debtor.

Judge Thomas J. Tucker

ANDREW R. VARA,
United States Trustee,

Plaintiff,

v.

Adv. Pro. No. 22-4317

SHAKEES MON'E HAMILTON,

Defendant.

ORDER DISMISSING THIS ADVERSARY PROCEEDING, AS MOOT

On November 15, 2022, the Plaintiff United States Trustee filed this adversary proceeding, seeking a denial of the Debtor/Defendant's discharge under 11 U.S.C. §§ 727(a)(3), 727(a)(4), and 727(a)(5). On December 5, 2022, in a separate adversary proceeding, the Chapter 7 Trustee, Stuart A. Gold, obtained a default judgment denying the Debtor/Defendant's discharge under 11 U.S.C. §§ 727(a)(4)(A) and 727(a)(4)(D). *See* Default Judgment in Adv. No. 22-4305 (Docket # 7 in Adv. No. No. 22-4305 (the "no-discharge order")).

The Court concludes that the no-discharge order renders moot the Plaintiff's claims in this adversary proceeding. This is because the Plaintiff has received the dischargeability-related relief he was seeking in this adversary proceeding — namely, that the Debtor/Defendant is denied a discharge in the Debtor/Defendant's pending Chapter 7 bankruptcy case. *See, e.g.,*

Michigan Unemployment Insurance Agency v. Pettibone (In re Pettibone), 577 B.R. 689 (Bankr. E.D. Mich. 2017).

Thus, the Court is no longer able to grant the Plaintiff any meaningful relief in addition to what the Court has already ordered. *Cf. Rosenfeld v. Rosenfeld (In re Rosenfeld)*, 535 B.R. 186, 193-96 (Bankr. E.D. Mich. 2015), *aff'd*, 558 B.R. 825 (E.D. Mich. 2016), *aff'd* 698 F. App'x 300 (6th Cir. 2017) (dismissing, for lack of jurisdiction, a creditor's adversary proceeding seeking an order denying the debtor a discharge under several provisions of 11 U.S.C. § 727(a), where the debtor's debt to the creditor was nondischargeable under 11 U.S.C. § 523(a)); *Mapley v. Mapley (In re Mapley)*, 437 B.R. 225, 227-30 (Bankr. E.D. Mich. 2010) (same).

Because the Plaintiff's claims have been rendered moot, this bankruptcy court no longer has authority or subject matter jurisdiction over this adversary proceeding. *See, e.g. Pettibone*, 577 B.R. at 690; *Cowan v. Ladosenszky (In re Ladosenszky)*, 617 B.R. 275, 277-78 (Bankr. E.D. Mich. 2020).

For these reasons,

IT IS ORDERED that this adversary proceeding is dismissed, as moot, and for lack of subject matter jurisdiction.

Signed on December 6, 2022



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge